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Measures to eliminate international terrorism

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Report of the Secretary-General

Addendum

Turkmenistan

1. The Constitution of Turkmenistan, the Criminal Code, the Act of Turkmenistan on combating terrorism and other national laws and regulations, as well as international agreements to which Turkmenistan is a party, serve as the legal basis for counter-terrorism efforts.

2. Turkmenistan is party to 14 universal counter-terrorism instruments. It is also a party to related instruments concerning organized crime such as the United Nations Convention against Transnational Organized Crime (2000) and the United Nations Convention against Corruption (2003), as well as multilateral and bilateral instruments on legal assistance in criminal matters.

3. Persons who have engaged in terrorist activities bear the criminal liability provided for under the Criminal Code. Offences including, inter alia, hostage-taking, sabotage, attempt on the life of the President of Turkmenistan, terrorism, deliberately providing false information about a terrorist act, organization of or participation in an illegal armed group and hijacking or seizure of an aircraft, vessel or train are deemed terrorist acts in the Criminal Code.

4. In addition, the Criminal Code provides for criminal liability for the transfer across the State customs border of toxic, poisonous, radioactive or explosive substances, arms, explosive devices, firearms and ammunition, nuclear, chemical biological and other weapons of mass destruction and materials and equipment that could be used in the production of weapons of mass destruction and in respect of which special regulations have been established governing the transfer across the customs border of Turkmenistan, and for the illicit manufacture, acquisition, sale, possession, transport, sending, carrying, theft or extortion of firearms, their component parts, ammunition or explosive substances or devices.

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5. The Criminal Code also provides for criminal liability for the organization of or participation in an illegal armed group, for banditry or for the organization of or participation in a criminal association.

6. On 15 August 2003, the Act of Turkmenistan on combating terrorism was adopted to protect individuals, society and the State from terrorism, and to prevent, detect and suppress terrorist activity and minimize its consequences, as well as to identify and eliminate the causes and conditions which give rise to terrorist activity. The Act established the legal and organizational basis for preventing and combating terrorism in Turkmenistan, procedures for action and cooperation among State agencies, organizations, regardless of type of ownership, and community associations to combat terrorism. It also established citizens' rights, obligations and safeguards related to counter-terrorism efforts.

7. The Act of Turkmenistan on combating terrorism and the Act on commercial banks and banking activities (1993) provide that, in accordance with its national laws and the rules of international law, Turkmenistan shall prevent and suppress the financing of terrorist activity, promptly freeze funds and other financial assets, holdings, economic resources and tangible assets of persons who commit or attempt to commit terrorist acts or assist in committing them, or organizations directly or indirectly owned by or under the control of such persons, and also of persons and organizations operating on behalf of or on instructions from such persons and organizations, including funds received or obtained either with the use of property directly or indirectly owned or under the control of such person or persons and organizations associated with them.

8. The Act to combat the legalization of income derived from criminal activity and the financing of terrorism (2009) is designed to protect the rights and legal interests of citizens, society and the State as well as the integrity of Turkmenistan's financial system from criminal encroachments.

9. Pursuant to the Statute of the Financial Monitoring Authority approved by Decree No. 10798 of the President of Turkmenistan on 15 January 2010, the Financial Monitoring Authority (the Government agency empowered to combat the legalization of income derived from criminal activity and the financing of terrorism) was established in the Ministry of Finance.

10. The President and Cabinet of Ministers provide overall leadership in counter-terrorism efforts and assign the necessary forces, facilities and resources. The State Counter-Terrorism Commission is responsible for coordinating the activities of and ensuring cooperation among Government agencies engaged in combating terrorism.

11. Between 2004 and May 2010, no organization or individual connected with terrorist activity or the financing of terrorism has been detected in Turkmenistan. There have also been no reports of terrorist crimes or transfers of funds linked to the financing of terrorism through Turkmenistan's banking system.